

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**January 5, 2005**

**IN RE:**

**PETITION FOR APPROVAL OF THE  
AMENDMENTS TO THE  
INTERCONNECTION AGREEMENT  
NEGOTIATED BETWEEN BELL SOUTH  
TELECOMMUNICATIONS, INC. AND  
ONEPOINT COMMUNICATIONS-GEORGIA,  
LLC**

**DOCKET NO.  
04-00312**

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**ORDER APPROVING  
FOURTH SET OF AMENDMENTS TO THE INTERCONNECTION AGREEMENT**

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This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 8, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the fourth set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and OnePoint Communications-Georgia, LLC.<sup>1</sup>

The original interconnection agreement between these parties was filed on February 6, 2003, and was assigned Docket No. 03-00109. The first amendment was filed on April 21, 2003, in Docket No. 03-00109. Both filings were approved at a regularly scheduled Authority Conference held on May 12, 2003. The second amendment was filed on May 19, 2003, under Docket No. 03-00350 and was approved at a regularly scheduled Authority Conference on July 21, 2003. The third amendment was filed on February 25, 2004, under Docket No. 04-00064 and was approved at a regularly

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<sup>1</sup> On May 6, 2004, an Order was issued in Docket No. 03-00523 approving a transaction whereby the assets and Certificate of Convenience and Necessity of OnePoint Communications-Georgia, LLC were transferred to Verizon Avenue Corp.

scheduled Authority Conference on April 12, 2004. The fourth set of amendments, which is the subject of this docket, was filed on September 27, 2004.

Based upon a review of the amendments, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).

2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the service area of BellSouth Telecommunications, Inc.

3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

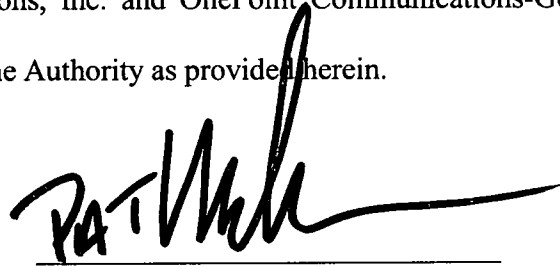
6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

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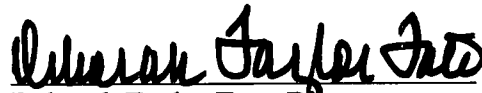
<sup>2</sup> See 47 U.S.C. § 252(e)(2)(B).

**IT IS THEREFORE ORDERED THAT:**

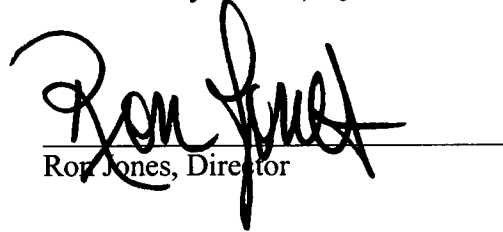
The Petition is granted, and the fourth set of amendments to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and OnePoint Communications-Georgia, LLC is approved and is subject to the review of the Authority as provided herein.

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Pat Miller, Chairman

A handwritten signature in black ink, appearing to read "Deborah Taylor Tate", written over a horizontal line.

Deborah Taylor Tate, Director

A handwritten signature in black ink, appearing to read "Ron Jones", written over a horizontal line.

Ron Jones, Director